

Docket No.: 13173-00026-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Matt Sauer et al.

Application No.: 10/568,741

Confirmation No.: 4144

Filed: February 17, 2006

Art Unit: 1645

For: PROMOTERS FOR THE EXPRESSION OF  
GENES IN TAGETES

Examiner: Not Yet Assigned

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicants, a copy of which is attached hereto, has three errors under the name of the Applicant(s), one missing name under Applicant(s), and EP is missing under Foreign Applications. They are as follows:

- 1) Applicant number four should have last name shown as "Herbers" in lieu of "Herbes";
- 2) Applicant number five, "Irene Kunze, Gatersleben, GERMANY", is missing from the filing receipt;
- 3) Applicant number six should have last name shown as "Klebsattel" in lieu of "Klebsatten";
- 4) Applicant number nine should have first name shown as "Angelika-Maria" in lieu of "Angela-Maria"; and

- 5) The second to the sixth Foreign Applications numbers are missing the "EP" after "PCT" and should read as follows:

EUROPEAN PATENT OFFICE (EPO) PCT EP 03 09107 08/18/2003  
EUROPEAN PATENT OFFICE (EPO) PCT EP 03 09105 08/18/2003  
EUROPEAN PATENT OFFICE (EPO) PCT EP 03 09106 08/18/2003  
EUROPEAN PATENT OFFICE (EPO) PCT EP 03 09109 08/18/2003  
EUROPEAN PATENT OFFICE (EPO) PCT EP 03 09101 08/18/2003

The original Declaration, Power of Attorney and Petition was filed with the application on February 17, 2006, a copy of which is attached hereto.

Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections.

As the error was made by the Patent and Trademark Office, Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13173-00026-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski

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## UNITED STATES PATENT AND TRADEMARK OFFICE

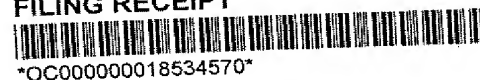
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/568,741	02/17/2006	1645	1200	1317300026US		26	3

23416  
CONNOLLY BOVE LODGE & HUTZ, LLP  
P O BOX 2207  
WILMINGTON, DE 19899

CONFIRMATION NO. 4144

## FILING RECEIPT



\*OC000000018534570\*

Date Mailed: 04/17/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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## Assignment For Published Patent Application

SunGene GmbH, Gatersleben, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **23416**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/08624 07/31/2004

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) PCT EP 03 09102 08/18/2003 EP  
EUROPEAN PATENT OFFICE (EPO) PCT 03 09107 08/18/2003 EP  
EUROPEAN PATENT OFFICE (EPO) PCT 03 09105 08/18/2003 EP  
EUROPEAN PATENT OFFICE (EPO) PCT 03 09106 08/18/2003 EP  
EUROPEAN PATENT OFFICE (EPO) PCT 03 09109 08/18/2003 EP  
EUROPEAN PATENT OFFICE (EPO) PCT 03 09101 08/18/2003 EP  
GERMANY 10 2004 007 623.5 02/17/2004

If Required, Foreign Filing License Granted: 04/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/568,741**

Projected Publication Date: 07/20/2006

Non-Publication Request: No

Early Publication Request: No

**Title**

Promoters for the expression of genes in tagetes

**Preliminary Class**

435

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

## *Declaration, Power of Attorney and Petition*

We (I), the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

☐ is attached hereto.

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and amended on \_\_\_\_\_

☒ was filed as PCT international application

Number PCT/EP2004/008624

on 31 July 2004

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable)

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International Application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
PCT/EP03/09102	PCT	18 August 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PCT/EP03/09107	PCT	18 August 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PCT/EP03/09105	PCT	18 August 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PCT/EP03/09106	PCT	18 August 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PCT/EP03/09109	PCT	18 August 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PCT/EP03/09101	PCT	18 August 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
102004007623.5	Germany	17 February 2004	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Codes, § 119(e) of any United States provisional application(s) listed below.

_____	_____
(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.


Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby appoint the registered practitioner(s) associated with Customer No. 23416 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence to Customer Number 23416.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



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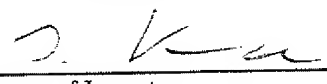
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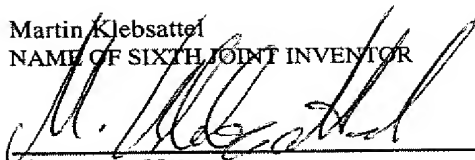
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Date 19. Aug. 2004

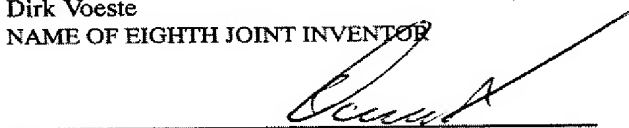
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Date 13. Aug. 2004

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Date 13. Aug. 2004